

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARRIE HIGGINS,

Plaintiff,

-against-

3:09-CV-1148 (LEK/VEB)

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.

ORDER

This matter comes before the Court following a Report-Recommendation filed on November 22, 2010, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 14).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Magistrate Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 14) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Plaintiff's Motion for judgment on the pleadings (Dkt. No. 10) is **GRANTED**; and it is further

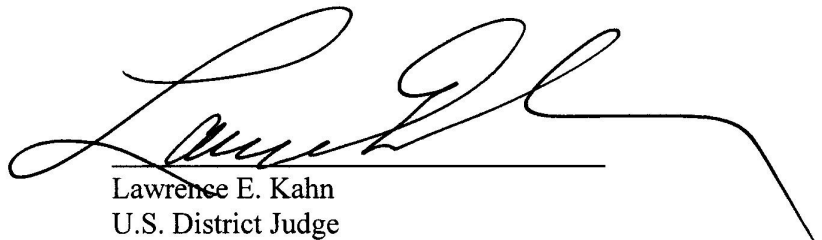
ORDERED, that Defendant's Motion for judgment on the pleadings (Dkt. No. 11) is **DENIED**; and it is further

ORDERED, that the decision of the Commissioner is **REVERSED**, and the case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with Magistrate Judge Bianchini's Report and Recommendation (Dkt. No. 14); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: December 08, 2010
Albany, New York



Lawrence E. Kahn
U.S. District Judge